



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, SECOND SESSION

Vol. 162

WASHINGTON, MONDAY, NOVEMBER 28, 2016

No. 169

House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, November 29, 2016, at 12 p.m.

Senate

MONDAY, NOVEMBER 28, 2016

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Savior, how great You are. You are robed with honor and majesty. You are dressed in robes of splendor. Guide our Senators on the right path, helping them to unite in thought and purpose for the common good of our Nation. Lord, remind them that Your desires for them are wiser than their plans so that our lawmakers will cherish the wisdom of Your unfolding providence. May our legislators not become discouraged, but may they anticipate a harvest of blessings at the appropriate time. Help them to find delight in communing with You, knowing that You will plant in their hearts desires that will fulfill Your purposes.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. ERNST). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

DISPUTE AT STANDING ROCK RESERVATION

Mr. REID. Madam President, this month is Native American Heritage Month. During this month, we honor the contributions of American Indians and also, of course, Alaskan Natives and Hawaiians. We don't have to look very far to see how Native Americans continue fighting for their heritage. They really must fight for their heritage.

If you pick up a newspaper or turn to the news on any channel you want, you will see what is happening at the Standing Rock Reservation in North Dakota. The Standing Rock Sioux Tribe is opposing the construction of a portion of the Dakota Access Pipeline that passes near their reservation where it crosses the Missouri River.

They are concerned that the construction of the pipeline could not only destroy ancestral burial grounds but could also contaminate the water supply for the tribe, as well as for millions of others who depend on water from the Missouri River.

The Standing Rock Sioux are fighting for their land, the right to clean water, clean air, and their history. They are not alone. The Standing Rock Sioux have been joined by thousands of others, including members of hundreds of tribes throughout the United States. Last month, while I was in Nevada, members of the 27 Native American tribes we have in Nevada made it clear to me that they stand in solidarity with the Standing Rock Sioux.

But I do too. Here is why. Here is why I join with the Standing Rock Sioux in calling for an alternative route for the pipeline's construction. It is past time that this situation be resolved peacefully. It has lingered for months, and the debate has descended into violence. Private security guards have unleashed attack dogs on Indians, resulting in men, women, and children being bitten and some very severely. Police have used rubber bullets, tear gas, and compression grenades. Some 300 people have been treated for injuries as a result of this violence against the protesters.

The most severe injury took place a week ago, when one young woman had parts of her arm and hand blown off. The violence at Standing Rock must end. I am confident that President Obama's administration is taking the necessary steps to address the situation. They have done well so far. What is happening at Standing Rock is a movement that has captured the attention of the entire country.

But we should understand the context of what is taking place. We should be mindful that the history of this region is fraught with disputes—very few

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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of which, if any, have been resolved in the favor of the Indians. This region is fraught, I repeat, with disputes between Native Americans and the U.S. Government—disputes that originated more than a century ago but that, in the minds of the Indians, are still very much alive.

Last week, Kevin Gover, the Director of the Smithsonian's National Museum of the American Indian, which is a wonderful place, put the clash at Standing Rock in historic perspective. Here is what he said:

Take Standing Rock, for example . . . if you know what the history of the Sioux Nation is, you know that the treaties were made with the Sioux Nation concerning these lands that no longer belong to the Sioux Nation. And you know that the development of the Missouri River for the past century has always, always involved taking of Indian land. They were building dams up and down the Missouri, and every Indian reservation along the way was flooded. Some of the best land was flooded, which only deepened their poverty and made it that much harder to climb out [of poverty, which they haven't]. So we should know that kind of history.

I agree. This is the history to which he is referring—or at least a part of it. In the 1890s, Congress pushed the Sioux to reservations, took them off their ancestral lands, and jammed them into reservations.

Speaking from the knowledge I have, what they did to the Panamint and Shoshone in Nevada is unbelievable. They put them in the worst places you could find. That is what they did to the Sioux. In the 1890s, they pushed the Sioux into reservations. Then, two decades later, in violation of all of the treaties they had, they built dams on the Missouri River that shrunk the size of the reservations even more.

Then, in the 1940s, the United States built yet another dam, putting the Sioux's most fertile land underwater. I don't intend to have all of the answers. But I do know from experience that progress is possible when cooperation and respect form the foundation of fairness, especially on issues related to tribal rights and environmental concerns.

I take one example that I know a lot about, and that is what happened in Nevada with a really large powerplant—coal-fired—called the Reid Gardner coal-fired plant. It was one of the dirtiest powerplants in the entire country. This coal plant was located less than a football field from the tribal reservation.

Every day it dumped thousands of tons of toxins in the air, such as arsenic, mercury, and lead. Tribal members got sick. Of course, they did. Some 300 people on the reservation were poisoned daily by the pollution. But working with the Moapa Paiutes, I called for closure of the plant. People thought: Why are you doing this? It was the right thing to do. It was the right thing to do for the environment, but, more importantly, it was the fair and just thing to do for the Moapa Band of Paiutes.

Since that time, when we started this initial effort, three of Reid Gardner's four generating units have been shut down—closed. The whole coal facility will be out of business within the next 90 days. That is pretty good. It is gone. Why? Because we had government. Local and State governments, Indian government, and the power company all worked together to address this issue.

It could not have been done without all three of them working together. I have said this publicly. I have had a lot of disputes with the monopoly power company in Nevada, but on this issue I have complimented them because they did the right thing. With the Paiute tribe, instead of having this toxic dump in the form of a coal-fired generating plant right next to them that they breathe every day, they now have a huge solar farm.

It has created lots of construction jobs. That electricity is now being sent to the city of Los Angeles. It has been good for everybody—good for the air of Nevada, good for the Indians with work. It has helped the environment. The power company has made other arrangements for their power. They did it fairly easily.

The simple truth is, based on this whole experience I had, that you need to work together, whether it is the Moapa Paiutes or the Standing Rock Sioux. They are exposed to more pollution than most Americans. That is the way it is.

We don't talk a lot about the people who are severely impacted by a century of practically limitless pollution—Indians. This is not an urban or rural phenomenon. It is everywhere, and it is dangerous. Researchers at the University of Minnesota found that the difference in exposure to nitrogen dioxide alone is equal to roughly 7,000 deaths a year from heart disease.

From South Dakota to Nevada, Native Americans are on the frontlines of these environmental and public health catastrophes. To make matters worse, heavy-polluting industries are fighting to return to the days of limitless pollution under the next administration. Can the people of America expect our newly elected President to intervene on their behalf against the big polluters? Can the Standing Rock Sioux Tribe depend on the man who is financially invested in the Dakota Access Pipeline? Probably not.

This is about more than President-Elect Trump or fossil fuel profits. What is happening at Standing Rock is about respect for people: Where they build their homes, where they raise their families. The violence and aggression against the Standing Rock Sioux in North Dakota is a tragic example of the failure to respect people, of long-standing grievances, for how they and their natural resources have been treated.

No one can see this more than the Indians. The Standing Rock Sioux protest at the Dakota Access Pipeline has

everything to do with the history of broken promises and the institutionalized disregard for the rights of their own land as well as the trust relationship between Indian tribes and the Federal Government of the United States. While most stakeholders want a speedy end to this situation, we must understand that overreaction to protesters, violence, and disregard for our history undermines the likelihood of a mutually acceptable solution and rubs salt in already festering wounds.

Profits should not be a determining factor of how this matter is resolved. The Obama administration has recognized that this history means the Dakota Access Pipeline is much more complicated than a water-crossing permit. They are doing the right thing by working with tribes to develop a better consultation process. I appreciate very much what the Obama administration has done. They recognize that history means that the pipeline is more complicated than simply a water crossing.

I appreciate that the President is showing the Standing Rock Sioux the respect to which they are entitled. President Obama has less than 2 months left in his term, and it is becoming clear that the dispute at Standing Rock likely will not be resolved before he leaves office.

I encourage the new administration and the Army Corps of Engineers to continue finding an alternate route. There is one out there. This should not be that hard. There is no reason this situation cannot be remedied in a manner that is fair to all.

Three hundred people have already been injured. Grenades. Dogs being sicced on these Indians. Water being sprayed on them in freezing temperatures—below-freezing temperatures.

Our Native-American tribes are looking to the Federal Government for help. For once, let's get them some help rather than just continue taking from them. They want to believe that after centuries of wrongs, the United States will finally get it right. Indians want to believe that after so long of being treated with no respect, the United States will help and not hurt.

Relocating the pipeline to a more suitable area away from the Standing Rock Indian Reservation would be an easy and historic step in the right direction. For the sake of our country, I hope that happens.

Madam President, I see no one on the floor.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.